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November 8, 2011

BY HAND

Honorable Lawrence M. McKenna
United States District Judge
United States District Court
Daniel Patrick Moynihan
500 Pearl Street
NY, NY 10007

MEMO ENDORSED

RECEIVED
IN CHAMBERS

NOV - 9 2011

LAWRENCE M. McKENNA
USDJ SDNY

Re: *In The Matter Of The Complaint Of ANDREW HARNETT, As Owner Of
Vessel M/V READY JET GO
Docket No.: 06-0699 (LMM)*

And related cases.

Dear Judge McKenna:

We write on behalf of the Runsdorf Claimants in reply to a letter dated November 8, 2011 from the Petitioners, Peter J. Sharp Boathouse, Inc. and New York Rowing Association, wherein they request the Court decide two damages motions in favor of the Boathouse and Rowing Association, and facts in their Rule 56.1 Statement of Facts are conclusively established, as well as sanctions.

It should be noted that the tenor of this letter comes as a surprise to the Runsdorf Claimants since our last correspondence with Mr. Brennan on Monday, October 31, 2011 discussed circulating names of mediators for a mediation to be held prior to our next court appearance before your Honor. It should be noted that the Runsdorf Claimants did circulate names and CV's of these individuals that same evening. Claimants have been attempting to schedule this mediation with Petitioners for over a month.

Nonetheless, there are several inaccuracies in Petitioner's letter, namely their representations about being ready, willing and able to participate in trial in October. It should be noted that the *initial request for an extension* to file motions was made by Petitioners. Petitioner's representation that they were ready to go to trial was disingenuous, at best. The court was facing several substantial motions for summary judgments, that would not have been fully briefed until less than 2 weeks prior to trial. It was clear that the trial was not proceeding.

*Requests for default denied.
The parties are to file all opposition
and reply papers on all pending motions
prior to the December 12, 2011 conference.
So ordered. LMM 11/10/11*

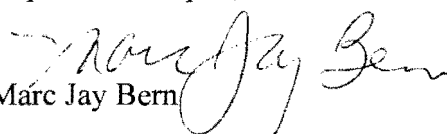
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Additionally, it should be noted that the consent order recently signed by your Honor was circulated¹ on Friday, October 21, 2011 – and not delayed to October 25, 2011, as Petitioners suggest. Nonetheless, the adjournments that Petitioners and this Court graciously accepted were over the course of less than a month, not causing prejudice to either party.

Notwithstanding the foregoing, the Claimants have no objection to any extension that the Petitioners need to file their reply papers. We also oppose any application from Petitioners for sanctions, and ask this Court to deny any type of sanctions as there has been no continuous disregard of this Court's orders.

We hope that the parties are still working towards scheduling a mediation of this matter some time before our scheduled appearance before your Honor on December 12, 2011.

Respectfully yours,
Napoli Bern Ripka, LLP



Marc Jay Bern

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¹ Same was circulated by Claimants via email. A copy of the email(s) can be made available for the Court's review.